

SAFE HARBOR POLICY FOR RECORDS CUSTODIANS WHO ADHERE TO THE
SCHEDULE OF REASONABLE CHARGES AND THE POLICY FOR FREQUENT AND
MULTIPLE REQUESTS ESTABLISHED BY THE OFFICE OF OPEN RECORDS
COUNSEL

[Section 6 of Public Chapter 1179, Acts of 2008](#) (“Public Chapter 1179”) adds T.C.A. Section 8-4-604(a)(3) which requires the Office of Open Records Counsel (“OORC”) to establish a separate policy which provides a safe harbor for records custodians who adhere to the Schedule of Reasonable Charges and/or the Policy for Frequent and Multiple Request established by the OORC. This Policy will be reviewed at least annually by the OORC.

This Policy should not be interpreted as requiring a records custodian to impose charges for copies or duplications of public records, nor should it be interpreted as requiring records custodians to aggregate the number of requests made by a single requestor or multiple requestors acting in concert. However, if the records custodian does determine to impose charges for copies or duplications or to aggregate the number of request made, this Policy establishes that those fees are presumed to be reasonable when done in accordance with the policies and guidelines developed by the OORC.

Any fee related to the production of a copy or duplication that is charged by an entity required to provide access to public records pursuant to the Tennessee Public Records Act is presumed to be reasonable if the entity adopts and implements either the Schedule of Reasonable Charges or a separate schedule developed in accordance with the provisions of the Schedule of Reasonable Charges. Likewise, the aggregation of frequent and multiple requests for copies of public records and the labor fees charged as the result of that aggregation are presumed to be reasonable if the entity adopts and implements the Frequent and Multiple Request Policy or a separate policy developed in accordance with the provisions of the Frequent and Multiple Request Policy.

Revised December 7, 2010